

ARGUMENTS/REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Claims 1-41 remain in this application. New claims 42 and 43 have been added.

Claims 1-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sasmazel *et al.* (U.S. 6,032,260) in view of Cogger *et al.* (U.S. 6,032,184). For the following reasons, the rejection is respectfully traversed.

Claim 1 recites both an "electronic ticket" element and a "network electronic ticket" element. The "electronic ticket" is for "providing a customer access to a commodity or a service or admission to an event from a provider" whereas the "network electronic ticket" is for "providing the customer access to online information about the commodity or service or the event from an information providing apparatus on a network". The references, even if combined, do not teach these elements of the claim as limited by the explicit claim language.

Sasmazel does not teach any use of its "eticket" for providing a customer access to a commodity or a service. Accordingly, the Examiner cites Cogger as teaching an "eticket" as providing a customer access to a service. However, a close reading of Cogger does not support this interpretation.

Cogger teaches that a "trouble ticket" is generated when a user requests a service. See passages cited in the Office action. The "trouble ticket" is not disclosed as providing "access" to a service, but is in response to a service request. See FIGs 5 and 12. The "trouble ticket" of Cogger is nothing more than a way to track the progress of the service. It is not used to obtain access to the service, as claim 1 explicitly requires.

Further, the claims must be read in light of the specification. It is clear that "electronic ticket" as used in the application is analogous to a negotiable instrument,

such as a "paper" ticket to an event (such as a concert, for example). This is not at all similar to the "etickets" as cited by the Examiner in the references, which are receipts or tracking devices, not access allowing devices. Consequently, claim 1 is patentable over the references, even if combined.

Further, the Examiner cites an encrypted "hash number" of Sasmazel as teaching the "network electronic ticket" of claim 1. However, claim 1 explicitly requires that the "network electronic ticket" be for "providing the customer access to online *information about the commodity or service or the event* from an information providing apparatus on a network. But because Sasmazel does not discuss a commodity, service, or an event, it can hardly teach providing access to information **about** the commodity, service, or event, as recited in the claim. Thus, the combination of references does not teach all of the claim limitations, as required by MPEP §2143.03 (the combination of prior art reference(s) must teach or suggest *all* of the claim elements and/or claim limitations for an obviousness rejection).

Instead, Sasmazel teaches an "authentication server 350" for *authenticating* a user and *issuing* a single eticket in response to a successful authorization (col. 7, lines 1-5). Sasmazel also teaches an authorization server 360 which uses information on the thus issued single eticket to provide *access rights* (which is not suggested to be a commodity or a service or an event) to the authenticated user (col. 7, lines 5-13). Thus, Sasmazel teaches but one "eticket" that is used solely for *authenticating* requested access for authorized user (*id.*; see also FIG. 7). The operation could be a request to view a web page or a protected document, for example (FIG. 7 and accompanying text). Nowhere, however, does Sasmazel suggest using an eticket for obtaining a *service* or a *commodity*, such as is typically done using a paper ticket. Further, nowhere does Sasmazel suggest providing information about a service, commodity, or event. Thus, Sasmazel's use of the term "eticket" is a misnomer, for it is never suggested to be in any way analogous to a paper ticket. Accordingly, for this reason as well, claim 1 is patentable over the references, even if combined.

Finally, the Examiner has not supported a prima facie case of obviousness. The burden is on the Examiner to make a prima facie case of obviousness (MPEP §2142). To support a prima facie case of obviousness, the Examiner must show that there is some *suggestion* or *motivation* to modify the reference (MPEP §2143.01). The mere fact that references *can* be combined or modified, alone, is not sufficient to establish prima facie obviousness (*Id.*). The prior art must also suggest the *desirability* of the combination (*Id.*). The fact that the claimed invention is within the *capabilities* of one of ordinary skill in the art is not sufficient, by itself, to establish prima facie obviousness (*Id.*).

The Examiner has cited no support for any such suggestion or motivation for the combination from within the references, and neither does the Examiner provide any references supporting any motivation to modify the reference(s) by making the combination. A conclusory statement of benefit or advantage, such as the one provided by the Examiner in the Office action, is not sufficient to show obviousness, as has been stated by numerous courts, and the MPEP. Some rationale for combining the references must be found in the references themselves, or drawn from a convincing line of reasoning based on established scientific principles practiced by one skilled in the art that some advantage or beneficial result would be produced by the combination (MPEP §2144). Such motivation cannot be found in the application itself, as such hindsight is impermissible; the facts must be gleaned from the prior art. (MPEP §2142, last paragraph).

Accordingly, for this reason, the rejection cannot stand and should be withdrawn, thus making claim 1 patentable over the references for this reason as well.

Claims 2-16, which depend, directly or indirectly, on claim 1, are patentable for the same reasons, as well as for the limitations contained therein.

Claim 17 recites limitations similar to those discussed for claim 1, and thus claim 17 is also patentable over the references for the same reasons discussed for claim 1. Claims 18-36, which depend, directly or indirectly on claim 17, are all patentable over

the references for the same reasons as claim 17 (as well as for the limitations contained therein).

Claims 38 and 39 also contain limitations similar to those of claim 1, and thus those claims are patentable over the reference for the same reasons discussed for claim 1, above.

Further, claim 39 recites a "mobile user terminal for communicating with the service server for purchasing the networked-linked electronic ticket" (lines 13-15) an "information server for communicating with the mobile user terminal for checking the network electronic ticket before providing information to the mobile user terminal via the public network" (lines 16-19) and a

"gate terminal for communicating with the mobile user terminal and for automatically checking the electronic ticket before providing the customer access to the commodity, the service, and/or user admission to the event"

(lines 20-25). The Examiner has repeatedly failed to address these claim limitations, despite being reminded of them in prior office actions. None of these cited elements are suggested anywhere in the Sasmazel or Cogger references, and thus claim 39 is patentable over the references for this additional reason. Claims 40 and 41, being directly or indirectly dependent on claim 39, are patentable for the same reasons as claim 39 (as well as for the limitations contained therein).

New claims 42 and 43 contain one or more limitations similar to those discussed above, and thus are patentable for the same reasons as discussed herein.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32808.

Respectfully submitted,
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